

OCT 13 2006

PTO/SB/25 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)
MR653-1432

In re Application of: MATTHEW A. MILLS

Application No.: 10/774,707

Filed: 9 FEBRUARY 2004

For: THERMAL DEVICE

The owner*, MATTHEW A. MILLS, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/885,542, filed on 6 JULY 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

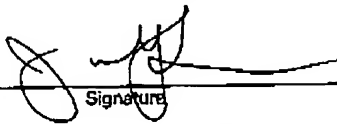
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 40,262



12 OCTOBER 2006

Date

JUN Y. LEE

Typed or printed name

(410) 465-6678

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9189 and select option 2.

10/16/2006 EFLORES 00000021 182011 10774707

01 FC:2814 65.00 DA

OCT-13-2006 07:49

ROSENBERG KLEIN AND LEE

RECEIVED
CENTRAL FAX CENTER 410 461 3067 P.01

OCT 13 2006

LAW OFFICES

MORTON J. ROSENBERG
DAVID I. KLEIN
JUN Y. LEE
RAJIV S. SHAH *

PATENT AGENTS
DAVID R. WOOD

ROSENBERG, KLEIN & LEE
CHARTERED

3458 ELLICOTT CENTER DRIVE
ELLICOTT CITY, MARYLAND 21043

PHONE (410)-465-6678 OR (410)-465-MORT

TELEFAX (410)-461-3067

INTERNET: rkl@rklatlaw.com

PATENT, TRADEMARK & COPYRIGHT MATTERS

PATENT RESEARCH
SPECIALISTS

JOHN V. PRESTIA
RAYMOND J. DUDEK
EVA BURDMAN
RUSSELL SCHUMANN
KEVIN PHIPPS

* PA and DC Bars

DATE: 13 October 2006

TIME SENT: (A.M.) P.M. 8:35

TOTAL PAGES (INCLUDING COVER SHEET): Four (4)

ATTENTION: Examiner A.F. Roane Group Art Unit # 3739

TO: U.S. Patent and Trademark Office

TO FAX NUMBER: 1-571-273-8300

TRANSMITTING FROM: ROSENBERG, KLEIN & LEE
Facsimile Number: 410-461-3067
Telephone Number: 410-465-6678

OUR DOCKET NO: MR 653-1432 APPLICATION SERIAL NO: 10/774,707

PLEASE NOTIFY US AT ONCE IF NOT RECEIVED PROPERLY.

ADDITIONAL COMMENTS:

FORMAL COMMUNICATION FOR ENTRY

Forwarded is a Transmittal responsive to Office Action dated
22 September 2006 for filing and processing.

Jun Y. Lee
Registration No. 40,262

JYL/tea

MR653-1432
Serial Number: 10/774,707
Reply to 22 September 2006

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office, Art Unit #3739, facsimile number 571-273-8300 on the date shown below.

10/13/2006

Date



Jun Y. Lee

MR653-1432

OCT 13 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matthew A. Mills : Group
Serial No: 10/774,707 : Art Unit #3739
Filed: 9 February 2004 : Examiner:
Title: THERMAL DEVICE : A.F. Roane

TRANSMITTAL OF TERMINAL DISCLAIMER

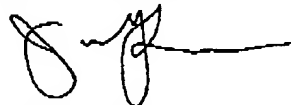
Mail Stop - Fees
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please enter in the above-referenced Patent Application the Terminal Disclaimer submitted herewith, which makes reference to co-pending Application 10/885,542 filed on 6 July 2004.

The Terminal Disclaimer fee of \$65.00 is due for this filing. The Commissioner for Patents is hereby authorized to charge Deposit Account #18-2011 for such Terminal Disclaimer fee, as well as any additional charges which may be associated with this filing.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE



Jun Y. Lee
Registration #40,262
Dated: 10/13/06

Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
(410) 465-6678
Customer #04586